

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE  
ENERGY, LLC, a Delaware limited liability  
company,

Plaintiff,

v.

VICTORY ENERGY  
OPERATIONS, LLC, a Delaware limited  
liability company,

Defendant.

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: CIVIL ACTION  
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: NO. 04-CV-325 (ERIE)  
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: Judge Sean J. McLaughlin  
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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon  
consideration of Plaintiff's Motion for Partial Summary Judgment on Counts I, IV, V, and VI of  
the Complaint, and any response thereto, it is hereby ORDERED that the Motion is GRANTED.  
Judgment on the issue of liability is hereby entered for Indeck Keystone Energy, LLC and  
against Victory Energy Operations, LLC on Counts I, IV, V, and VI. The only remaining issue  
for trial on those Counts is damages.

BY THE COURT:

\_\_\_\_\_, J.